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BEN & JERRY'S HOMEMADE, INC.
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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION
12

13 SKYE ASTIANA, on behalf of herself and all
others similarly situated,

14 Plaintiff,

15 v.

16 BEN & JERRY'S HOMEMADE, INC.,

17 Defendant.
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Case No. CV10-4387-PJH

CLASS ACTION

**STIPULATION AND
[PROPOSED] ORDER TO
CHANGE HEARING DATE FOR
DEFENDANT'S MOTION TO
DISMISS AMENDED
COMPLAINT**

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21 Plaintiff Skye Astiana, on behalf of herself and all others similarly situated, and Defendant
22 Ben & Jerry's Homemade, Inc. ("Ben & Jerry's") through their undersigned counsel, hereby
23 stipulate as follows:

24 WHEREAS the hearing on Ben & Jerry's Motion to Dismiss Amended Complaint in the
25 above action ("*Astiana*") is currently scheduled for February 16, 2011 (*Astiana* Dkt. 24);

26 WHEREAS on January 19, 2011, the Court related *Thurston et al. v. Conopco, Inc.*, Case
27 No. 10-04937-PJH ("*Thurston*") to *Astiana* and transferred *Thurston* to this Court (*Astiana*
28 Dkt. 34);

1 WHEREAS the Court vacated the hearing date for the pending Motion to Dismiss
2 Amended Complaint in *Thurston* (*Astiana* Dkt. 34);

3 WHEREAS the defendant in *Thurston* has re-noticed the Motion to Dismiss Amended
4 Complaint for March 2, 2011, at 9:00 a.m. in this Court (*Thurston* Dkt. 31);

5 WHEREAS the parties agree that in the interest of judicial economy due to overlapping
6 legal issues, the motions to dismiss in *Astiana* and *Thurston* should be heard on the same date;

7 IT IS HEREBY STIPULATED, subject to the approval of the Court that the date for the
8 motion to dismiss hearing for *Astiana* be reset to March 2, 2011 at 9:00 a.m.

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10 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.
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1 Dated: January 25, 2011

2 WILLIAM L. STERN
3 JANELLE J. SAHOURIA
4 MORRISON & FOERSTER LLP

5 By: /s/ JANELLE J. SAHOURIA
6 JANELLE J. SAHOURIA

7 Attorneys for Defendant

8 Dated: January 25, 2011

9 By: /s/ JOSEPH L. KRAVEC, JR.
10 JOSEPH L. KRAVEC, JR.

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27 Attorneys for Plaintiff

ECF ATTESTATION

I, Janelle J. Sahouria, am the ECF User whose ID and password are being used to file the following: **STIPULATION AND [PROPOSED] ORDER TO CHANGE HEARING DATE FOR DEFENDANT'S MOTION TO DISMISS AMENDED COMPLAINT**. In compliance with General Order 45, X.B., I hereby attest that Joseph N. Kravec, Jr. has concurred in this filing.

Dated: January 25, 2011

WILLIAM L. STERN
JANELLE J. SAHOURIA
MORRISON & FOERSTER LLP

By: /s/ JANELLE J. SAHOURIA
JANELLE J. SAHOURIA

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: January 26, 2011

PHYLLIS J. HAMILTON
United States District Court
Northern District of California
